

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL CRISSWELL, individually and on
behalf of a class of similarly situated
individuals,

Plaintiff,

v.

MYSPACE, INC., a Delaware corporation,

Defendant.

No. 08 CV 01578

Judge Milton I. Shadur

Magistrate Judge Sidney I. Schenkier

MOTION FOR CONTINUANCE AND EXTENSION OF TIME

Plaintiff Michael Crisswell, through his counsel, respectfully moves this Court for an extension of time to file his opposition to MySpace, Inc.'s ("MySpace") Motion to Dismiss:

1. Crisswell filed his complaint in the Circuit Court of Cook County, Illinois on February 15, 2008. MySpace removed Crisswell's action on March 18, 2008.
2. MySpace filed its Motion to Dismiss on June 13, 2008. On June 16, 2008, the Court set the briefing schedule for the Motion to Dismiss under which Crisswell's response to the Motion to Dismiss is due on July 14, 2008. The Motion to Dismiss is set for the Court to consider whether any Reply brief from MySpace is necessary on July 18, 2008.
3. Since filing its Motion to Dismiss, MySpace's counsel has raised issues relevant to Crisswell's claim that raise questions as to MySpace's role in the conduct alleged in Plaintiff's complaint and suggest that a third-party may actually have been responsible for the unauthorized charges Crisswell suffered. Crisswell would appreciate the opportunity to investigate the propriety of these potential facts to determine whether a voluntary dismissal as to MySpace is in fact warranted.

4. Crisswell's attorneys spoke with MySpace's counsel regarding this requested extension. MySpace has indicated it has no objection to an extension of 21 days.

WHEREFORE, Plaintiff Crisswell respectfully requests that this Court enter an order extending Crisswell's time to file a response to the Motion until August 4, 2008, striking the July 18, 2008 date, and continuing MySpace's Motion to Dismiss until a date following August 4, 2008 that is most convenient to this Court.

Respectfully submitted,

Dated: July 10, 2008

By: /s/ Jay Edelson

Jay Edelson
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NOTICE OF MOTION

TO: Blaine C. Kimrey
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On July 11, at 9:15 a.m. or as soon thereafter as counsel may be heard, I shall appear before the Honorable Milton Shadur or any Judge sitting in his stead, in the courtroom usually occupied by him, located in Courtroom 2303 at the United States District Court, Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois, 60604 and present Plaintiff's Motion for Continuance and Extension of Time, a copy of which is hereby served upon you.

Respectfully submitted,

Dated: July 10, 2008

By: /s/ Jay Edelson

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CERTIFICATE OF SERVICE

Pursuant to LR 5.5, I hereby certify that I served the foregoing Notice of Motion, Motion, and attached supporting Memorandum through this Court's ECF system, consistent with Section IX of General Order 07-0023, on the following date.

Dated: July 8, 2008

By: /s/ Myles McGuire
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